

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DATE: 5/5/2008

UNITED STATES OF AMERICA, : PRELIMINARY ORDER OF
 : FORFEITURE/FINAL ORDER OF
 -v.- : FORFEITURE AS TO DEFENDANT
 : IVAN PEREZ
 IVAN PEREZ, :
 : S1 07 Cr. 782 (JGK)
 Defendant. :
 -----x

WHEREAS, on or about December 12, 2007, IVAN PEREZ, the defendant, was charged in a one-count Information, S1 07 Cr. 782 (JGK) (the "Information") with conspiracy to distribute and possess with intent to distribute narcotics, in violation of 21 U.S.C. § 846;

WHEREAS, the Information included a forfeiture allegation seeking the forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds PEREZ obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics offense alleged in Count One of the Information, including but not limited to the following:

- a) a 2006 Dodge Charger, New York License Plate Number DAG4124, vehicle identification number 2B3KA43R46H392624, in the name of Luz E. Rodriguez (the "Subject Property");

WHEREAS, on December 12, 2007, PEREZ pled guilty to Count One of the Information, pursuant to a plea agreement;

WHEREAS, under the terms of the plea agreement, PEREZ admitted to the forfeiture allegations in the Information and agreed to forfeit all right, title and interest in Subject Property;

WHEREAS, pursuant to 18 U.S.C. § 2253, 21 U.S.C. § 853, and Fed. R. Crim. P. 32.2, the United States is now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All of PEREZ's right, title and interest in the Subject Property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

2. The aforementioned Subject Property is to be seized pursuant to this Preliminary Order of Forfeiture and is to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1) and 18 U.S.C. § 982(b)(1), the United States Marshals Service forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this order, notice of the United States' intent to dispose of the Subject Property in such

manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

5. Pursuant to Rule G(4)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least 30 consecutive days. Any person, other than the defendant(s) in this case, claiming interest in the Subject Property must file a Petition within 60 days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier, pursuant to Rule G(5) of the Supplemental

Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n) and 18 U.S.C. § 982(b)(1), in which all interests will be addressed.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules

of Criminal Procedure, this Order of Forfeiture shall be final against the defendant IVAN PEREZ, shall be made part of the sentence of the defendant IVAN PEREZ, and shall be included in the judgment of conviction therewith.

10. The Clerk of the Court shall forward three certified copies of this order to Assistant U.S. Attorney Sharon Cohen Levin, One St. Andrews Plaza, New York, New York, 10007.

Dated: New York, New York
~~March~~ , 2008

April 17, 2008

SO ORDERED:



HONORABLE JOHN F. KOELTL
UNITED STATES DISTRICT JUDGE